

ROBERT L. LIEURANCE,)
)
Petitioner,)
)
vs.) Case No. 4:04CV705 CDP
)
ALAN BLAKE,)
)
Respondent.)

This matter is before me on the petition of Robert Lieurance for a writ of habeas corpus under 28 U.S.C. § 2254. I referred this matter to United States Magistrate Judge Terry I. Adelman for a report and recommendation on all dispositive and non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1). On July 12, 2007, Judge Adelman filed his recommendation that Lieurance's petition for a writ of habeas corpus be dismissed without further proceedings. On July 23, 2007, Lieurance filed his objections to Judge Adelman's report and recommendation. Respondent filed a response to Lieurance's objections on August 13, 2007.

I have conducted de novo review of all issues in this case, and have reviewed the record, evidence, and all arguments raised by the parties. After careful consideration, I will adopt and sustain the thorough reasoning of

Magistrate Judge Adelman as set forth in support of his Report and Recommendation of July 12, 2007.


Lieurance's objections do not raise any new issues not considered in full by the Magistrate Judge. Lieurance does not address the merits of his claims in his objections, instead he cites case law to argue that his case represents unusual circumstances such that state exhaustion requirements should be waived and he should be appointed counsel to amend his petition. I disagree and find that Judge Adelman's analysis appropriately found that two of Lieurance's claims are procedurally barred from review in federal habeas proceedings because Lieurance did not present the substance of those claims to the appropriate state courts. Applying the deferential federal habeas standard, I also agree with Magistrate Judge Adelman that the other two claims fail on the merits. I find that the state court's decision denying relief to Lieurance is well based on law and fact and is not contrary to, nor an unreasonable application of, federal law.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the Magistrate Judge [# 25] be adopted in its entirety, and the petition of Robert L. Lieurance for a writ of habeas corpus be **DISMISSED** without further proceedings.

IT IS FURTHER ORDERED that no certificate of appealability will be issued, as none of the grounds raised present issues on which reasonable jurists could differ.

A separate judgment will be entered this same date.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 10th day of September, 2007.